

AMENDATORY SECTION (Amending WSR 03-03-010, filed 1/6/03, effective 1/6/03)

WAC 296-130-020 Definitions. (1) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees. Employer also includes the state, any state institution, any state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

(2) "Employee" means a worker who is employed in the business of an employer. "Employee," for the purposes of this chapter, also includes workers performing in an executive, administrative, professional, or outside sales capacity.

(3) "Employ" means to engage, suffer, or permit to work.

(4) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is:

(a) Under eighteen years of age; or

(b) Eighteen years of age or older and incapable of self-care because of a mental or physical disability.

(5) "Grandparent" means a parent of a parent of an employee.

(6) "Parent" means a biological or adoptive parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a child.

(7) "Parent-in-law" means a parent of the spouse of an employee.

(8) "Sick leave or other paid time off" means time allowed under the terms of an appropriate collective bargaining agreement or employer policy, as applicable, to an employee for illness, vacation, and personal holiday. ~~((It does not include any benefit which includes leave granted by short term or long term disability plans or policies.))~~ If paid time is not allowed to an employee for illness with a sick leave or pay benefit, "sick leave or other paid time off" also means time allowed under the terms of an appropriate state law, collective bargaining agreement, or employer policy, as applicable, to an employee for disability. A disability plan, fund, program or practice is excluded if it is covered by the Employee Retirement Income Security Act (ERISA) of 1974, 29 U.S.C. Sec. 1001 et seq.; and those established or maintained through the purchase of insurance.

(9) "Spouse" means a husband or wife, as the case may be.

(10) "Health condition that requires treatment or supervision" includes:

(a) Any medical condition requiring treatment or medication that the child cannot self administer;

(b) Any medical or mental health condition which would endanger the child's safety or recovery without the presence of a parent or guardian; or

(c) Any condition warranting treatment or preventive health care such as physical, dental, optical or immunization services, when a parent must be present to authorize and when sick leave may otherwise be used for the employee's preventive health care.

(11) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment or recovery in connection with such inpatient care; or that involves continuing treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities).

(12) "Emergency condition" means a health condition that is a sudden, generally unexpected occurrence or set of circumstances related to one's health demanding immediate action, and is typically very short term in nature.

(13) "Incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

(14) "Physical or mental disability" means a physical or mental impairment that limits one or more activities of daily living or instrumental activities of daily living.

(15) "Infraction" means an alleged violation of RCW 49.12.270 through 49.12.295 as cited by the department.

(16) "Administrative law judge" means any person appointed by the chief administrative law judge, as defined in RCW 34.12.020(2) to preside at contested cases convened under RCW 49.12.270 through 49.12.295.

(17) "Department" means the department of labor and industries.